

<p>LEVEL 1 REQUEST FOR INFORMATION</p>	<p>LEVEL 2 COMMON LAW INQUIRY</p>	<p>LEVEL 3 STOP, QUESTION AND POSSIBLY FRISK</p>
<p>An objective credible reason is required to approach. Suspicion of criminality is not required.</p> <p>Only non-accusatory questions about the reason for the approach are permitted.</p> <p>UMOS CANNOT seek consent to search either an individual’s person or bag; there is no basis to search at Level 1.</p> <p>The subject is free to refuse to answer questions and walk or even run away. UMOS can continue to observe but may not pursue.</p> <p>Force may not be used to detain subject.</p>	<p>Requires a founded suspicion of criminality. Focuses on a person as a suspect of a particular crime.</p> <p>Questions may be pointed and accusatory.</p> <p>UMOS may seek consent to search; consent must be voluntary.</p> <p>The subject is free to refuse to answer questions and walk away. However, flight in combination with facts indicating the person is involved in criminality may elevate the encounter to a Level 3.</p> <p>Force may not be used to detain the subject.</p>	<p>Requires an individualized reasonable suspicion that the subject is committing, has committed or is about to commit a felony or Penal Law misdemeanor.</p> <p>Questions may be pointed and accusatory.</p> <p>UMOS may seek consent to search; consent must be voluntary. In addition, if UMOS also has a reasonable suspicion that the subject is armed and dangerous, UMOS may FRISK and if UMOS feels an object he/she reasonably suspects is a weapon, he/she may search for and remove the item.</p> <p>The subject is not free to leave and may be detained for a reasonable period of time in order to confirm/dispel suspicion. A stop occurs when a reasonable person would not feel free to disregard the officer and walk away.</p> <p>UMOS is permitted to use reasonable force to stop and question the subject.</p>
<p>Note: Clearly false answers to UMOS’s non-accusatory questions may escalate the encounter.</p>	<p>Note: Absent exigent circumstances, such as a bomb threat, a report of possible criminal activity from an anonymous source will only support a Level 2 approach (not Level 3) unless the UMOS is able to corroborate the report with his/her own observations or other information.</p> <p>Note: Clearly false answers to UMOS’s questions may escalate the encounter.</p>	<p>Note: a Stop Report Worksheet must be prepared for all Level 3 stops.</p> <p>Note: If suspicion that suspect is armed and dangerous is based solely on a bulge indicative of a weapon, confine frisk to the area of the bulge. If the suspicion that person is armed and dangerous arises from (1) suspicion of a violent crime, (2) the statements of witnesses, victims, or the suspect, or (3) other facts and circumstances of the encounter, then frisk may extend as far as necessary to confirm or dispel the presence of a weapon, up to a head-to-toe frisk. If the suspect possesses a portable container, such as a bag, the UMOS may “frisk” the portable container if UMOS has reasonable suspicion that the person is armed and dangerous and the weapon could be within the portable container. If the container is soft, UMOS should pat down the bag for possible weapons. If it is a hard container, UMOS may open it if it is unlocked.</p>
<p>LEVEL 4: Arrest Requires probable cause to believe that (a) an offense was committed and (b) the subject committed it. Reasonable force may be used to effect an arrest. A Miranda waiver must be lawfully obtained before questioning but is not required for pedigree information. Search incident to arrest is permitted as well as any required inventory searches.</p>		

Figure 1 - Investigative Encounters Reference Guide